IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5940 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANMADE TEXTILE RESEARCH ASSOCIATION

Versus

AMITBHAI K. GANDHI

Appearance:

1. Special Civil Application No. 5940 of 2001

MR KM PATEL for Petitioner No. 1

MR DS VASAVADA for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 27/02/2002

ORAL JUDGEMENT

Heard learned advocate Mr. K.M. Patel for the petitioner and Mr. D.S. Vasavada for the respondent. In this petition, the petitioner has challenged the

interim order passed below Exh. 15 in Reference No. 9 of 2000 dated 21st March, 2001 wherein the labour court has come to the conclusion that the departmental inquiry which was conducted against the respondent has been vitiated. Thereafter, review application has been filed by the petitioner before the labour court and that review application has also been rejected by the labour court on 7th June, 2001 which is also under challenge in this petition.

I have heard learned advocates for the parties and considering the submissions made by both the learned advocates for the parties also in view of the consensus arrived at between the parties, the order passed by the labour court below Exh. 15 and 25 dated 21st March, 2001 and 7th June, 2001 are required to be quashed and set aside and the labour court concerned is required to be directed to decide the preliminary points in respect of the departmental inquiry, whether it is vitiated or not and whether it is violative of the principles of natural justice or not within some reasonable period from the date of receipt of copy of this order with a liberty for the parties to make all submissions available to them in law before the labour court in respect of the preliminary point which is required to be examined by the labour court.

Accordingly, the order passed by the labour court concerned labour court below Exh. 15 and 25 dated 21st March, 2001 and 7th June, 2001 in Reference No. 9 of 2000 are hereby quashed and set aside and the labour court concerned is hereby directed to decide the preliminary points in respect of the departmental inquiry, whether it is vitiated or not and whether it is violative of the principles of natural justice or not within two months from the date of receipt of copy of this order with a liberty in favour of the parties to make all submissions available to them in law before the labour court in respect of the preliminary point which is required to be examined by the labour court. Rule is made absolute in terms indicated hereinabove with no order as to costs.

27.2.2002. (H.K. Rathod,J.)

Vyas